

HOUSE BILL NO. 450

INTRODUCED BY J. HINKLE, S. GUNDERSON, M. MALONE, C. KNUDSEN, S. GIST, K. ZOLNIKOV, N. NICOL, B. LER, A. REGIER, L. JONES, D. LOGE, C. HINKLE, M. HOPKINS, G. PARRY, J. SMALL, P. GREEN, J. FITZPATRICK, J. TREBAS, E. BUTCHER, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A STUDENT MAY USE REASONABLE AND NECESSARY PHYSICAL FORCE IN SELF-DEFENSE OR IN DEFENSE OF ANOTHER IN RESPONSE TO BULLYING TO PROTECT THE STUDENT'S SELF OR ANOTHER PERSON IF PHYSICALLY ATTACKED; AMENDING SECTION 20-5-209, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-209, MCA, is amended to read:

"20-5-209. Bullying of student prohibited -- self-defense authorized. (1) Bullying of a student enrolled in a public K-12 school by another student or an employee is prohibited.

(2) ~~A student who is subjected to or who witnesses another person being subjected to physical bullying~~ PHYSICALLY ATTACKED is entitled to use physical force THAT IS REASONABLE AND NECESSARY in self-defense or in the defense of another person pursuant to 45-3-102 FOR SELF-PROTECTION.

(3) A STUDENT WHO WITNESSES ANOTHER PERSON BEING PHYSICALLY ATTACKED IS ENTITLED TO USE REASONABLE AND NECESSARY PHYSICAL RESTRAINT, DEFINED AS THE PLACING OF HANDS ON ANOTHER IN A MANNER THAT IS REASONABLE OR NECESSARY TO PROTECT THE PERSON FROM PHYSICAL HARM.

~~(3)(4)~~ A school district shall investigate a student's use of physical force and may not reprimand or discipline a student who claims the student used physical force in self-defense or in defense of another if the investigation:

(a) ~~finds that the student was not the aggressor; or~~

(b) ~~does not find proof contrary to the student's claim~~ IS FOUND THROUGH THE INVESTIGATION TO HAVE MORE LIKELY THAN NOT USED PHYSICAL FORCE FOR SELF-PROTECTION OR IN PROTECTION OF ANOTHER PURSUANT TO SUBSECTION (3)."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2023.

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